

111TH CONGRESS  
2D SESSION

# H. R. 5928

To amend title 38, United States Code, to improve the efficiency of processing certain claims for disability compensation by veterans.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2010

Mr. WALZ (for himself, Mr. KING of New York, Mr. DONNELLY of Indiana, and Mr. HEINRICH) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to improve the efficiency of processing certain claims for disability compensation by veterans.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Veterans’ Disability  
5       Claims Efficiency Act of 2010”.

1 **SEC. 2. IMPROVEMENT OF DISABILITY CLAIMS PROC-**  
2 **ESSING.**

3 (a) ESTABLISHMENT OF FAST TRACK INTERIM DIS-  
4 ABILITY RATINGS.—Section 1157 of title 38, United  
5 States Code, is amended—

6 (1) by striking “The Secretary” and inserting  
7 the following:

8 “(a) IN GENERAL.—The Secretary”; and

9 (2) by adding at the end the following new sub-  
10 section:

11 “(b) FAST TRACK INTERIM DISABILITY RATINGS.—

12 (1) In the case of a veteran who submits to the Secretary  
13 a claim for compensation under this chapter for more than  
14 one condition and the Secretary determines that a dis-  
15 ability rating can be assigned without further development  
16 for one or more conditions but not all conditions in the  
17 claim, the Secretary shall—

18 “(A) expeditiously review the claim in ac-  
19 cordance with section 5103B of this title;

20 “(B) assign an interim disability rating for  
21 each condition that the Secretary determines  
22 could be assigned without further development  
23 (except as provided in paragraph (3)(A)); and

24 “(C) continue development of the remain-  
25 ing conditions.

1       “(2) If the Secretary is able to assign a disability rat-  
 2     ing for a condition described in paragraph (1)(C) with re-  
 3     spect to a claim, the Secretary shall assign such rating  
 4     and combine such rating with each interim rating pre-  
 5     viously assigned under paragraph (1)(B) with respect to  
 6     that claim.

7       “(3)(A) With respect to an interim disability rating  
 8     assigned under paragraph (1)(B) for a condition that is  
 9     rated less than the maximum rate, the Secretary shall con-  
 10    tinue development of such condition.

11       “(B) Except as provided in subparagraph (C), an in-  
 12    terim disability rating assigned under paragraph (1)(B)  
 13    for a condition shall remain in effect unless the Secretary  
 14    later assigns an increased rating for such condition.

15       “(C) Under regulations prescribed by the Secretary,  
 16    subparagraph (B) shall not apply to an interim disability  
 17    rating assigned under paragraph (1)(B) for a condition  
 18    if—

19               “(i) such rating was based on fraud; or

20               “(ii) such condition improves.”.

21       (b) ESTABLISHMENT OF FAST TRACK CLAIM RE-  
 22    VIEW PROCESS.—

23               (1) IN GENERAL.—Subchapter I of chapter 51  
 24    of title 38, United States Code, is amended by in-

1       serting after section 5103A the following new sec-  
2       tion:

3       **“§ 5103B. Expedited review of initial claims for dis-**  
4               **ability compensation**

5       “(a) PROCESS REQUIRED.—The Secretary shall es-  
6       tablish a process for the rapid identification of initial  
7       claims for disability compensation that should, in the adju-  
8       dication of such claims, receive priority in the order of re-  
9       view.

10       “(b) REVIEW OF INITIAL CLAIMS.—As part of the  
11       process required by subsection (a), the Secretary shall  
12       carry out a preliminary review of all initial claims for dis-  
13       ability compensation submitted to the Secretary in order  
14       to identify whether—

15               “(1) the claims have the potential of being ad-  
16       judicated quickly, including claims where an interim  
17       disability rating could be assigned under section  
18       1157(b)(1)(B) of this title;

19               “(2) the claims qualify for priority treatment  
20       under paragraph (2) of subsection (c); and

21               “(3) a temporary disability rating could be as-  
22       signed with respect to the claims under section 1156  
23       of this title.

24       “(c) PRIORITY IN ADJUDICATION OF INITIAL  
25       CLAIMS.—(1) As part of the process required by sub-

1 section (a) and except as provided in paragraph (2), the  
2 Secretary shall, in the adjudication of initial claims for  
3 disability compensation submitted to the Secretary, give  
4 priority in the order of review of such claims to claims  
5 identified under subsection (b)(1) as having the potential  
6 of being adjudicated quickly.

7 “(2) Under regulations prescribed for such purpose,  
8 the Secretary may provide priority in the order of review  
9 of initial claims for disability compensation based on the  
10 effect such priority would have on a claimant.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-  
12 tions at the beginning of chapter 51 of such title is  
13 amended by inserting after the item relating to sec-  
14 tion 5103A, the following new item:

“5103B. Expedited review of initial claims for disability compensation”.

15 (c) REPORTS.—

16 (1) FIRST INTERIM REPORT.—Not later than  
17 one year after the date of the enactment of this Act,  
18 the Secretary of Veterans Affairs shall submit to the  
19 appropriate congressional committees a report on—

20 (A) the implementation of sections 1157(b)  
21 and 5103B of title 38, United States Code, as  
22 added by this section;

23 (B) the workflow of the employees of the  
24 Department of Veterans Affairs who review and

1 process claims for disability compensation, in-  
2 cluding an analysis of—

3 (i) the efficiency of such employees;

4 and

5 (ii) whether such claims are directed  
6 to such employees based on the complexity  
7 of the claim in relation to the experience  
8 and skill of the employee; and

9 (C) pilot programs carried out by the Sec-  
10 retary relating to the review and process of  
11 claims for disability compensation, including—

12 (i) the status of such pilot programs;

13 (ii) an evaluation of any best practices  
14 learned from such pilot programs; and

15 (iii) whether such practices should be  
16 expanded.

17 (2) SECOND INTERIM REPORT.—Not later than  
18 18 months after the date of the enactment of this  
19 Act, the Secretary shall submit to the appropriate  
20 congressional committees an update to the report  
21 submitted under paragraph (1).

22 (3) FINAL REPORT.—Not later than two years  
23 after the date of the enactment of this Act, the Sec-  
24 retary shall submit to the appropriate congressional

1 committees an update to the report submitted under  
2 paragraph (2).

3 (4) APPROPRIATE CONGRESSIONAL COMMIT-  
4 TEES.—In this subsection, the term “appropriate  
5 congressional committees” means the Committee on  
6 Veterans’ Affairs of the House of Representatives  
7 and the Committee on Veterans’ Affairs of the Sen-  
8 ate.

9 (d) EFFECTIVE DATE.—The amendments made by  
10 this section shall take effect on the date of the enactment  
11 of this Act, and shall apply with respect to claims for dis-  
12 ability compensation filed on or after the date that is two  
13 years after the date of the enactment of this Act.

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